

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS

In re
ANDREW GREENHUT,
Debtor

IN PROCEEDINGS UNDER
CHAPTER 13
CASE NO.: 19-10782

MOTION OF DEBTOR TO FURTHER AMEND CHAPTER 13 PLAN

NOW COMES, the Debtor, Andrew Greenhut, and hereby moves this Honorable Court, pursuant to 11 U.S.C. § 1323(a), MLBR 3015-1 and Chapter 13 Rule 13-10(b), to allow him to amend his Chapter 13 Plan prior to confirmation. As grounds therefore, the Debtor states the following:

1. Since the date of the filing of the Debtor's First Amended Chapter 13 Plan, there has been a change in the Debtor's legal and financial circumstances. Recently, the Texas Supreme Court reversed the decision of the Texas Court of Appeals and thereby ruled in favor of the Creditor Gita Srivastava on her appeal. The Debtor does not anticipate seeking either a rehearing by the Texas Supreme Court or pursuing a Writ of Certiorari with the United States Supreme Court. Consequently, the Debtor's legal expenses associated with his litigation with Creditor Gita Srivastava no longer needs to be paid. Additionally, the Debtor has been informed by his partner and fiancée that she is expecting their first child due in December of 2020.
2. The Debtor has amended his Chapter 13 Plan in good faith to account for these existing and expected changes in the Debtor's financial circumstance

3. The Plan Term remains unchanged from the Original Chapter 13 Plan. However, under the Second Amended Plan, the Debtor's initial Plan Payment will increase from \$2,024 per month to \$3,015 per month and remain at that level for a period of six (6) months until December of 2020 when the Debtor's child is expected to be born and his expenses are then expected to increase substantially as set forth in the attachment to the Debtor's Schedule "J".
4. From December of 2020 forward for the remaining forty (40) months of the Debtor's Plan Term, the Debtor will make Plan Payments to the Chapter 13 Trustee of \$792 per month.
5. Contemporaneously with the filing of the Debtor's Second Amended Plan and this Motion, the Debtor has filed Amended Schedules of Income and Expenses (Schedules "I" and "J") and a Motion to Amend the same, so as to fully explicate the Debtor's current and reasonably projected income and expenses and financial circumstances.

WHEREFORE, the Debtor respectfully requests that the Court allow the amendment of his Chapter 13 Plan and grant all other relief deemed just and proper.

ANDREW GREENHUT, Debtor
By his Attorney,

Date: 6/1/2020

/s/ Richard N. Gottlieb, Esq.
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CERTIFICATE OF SERVICE

I, Richard N. Gottlieb, Esq., do hereby certify that I have this day served a copy of the Motion of Debtor to Amend Chapter 13 Plan and a copy of the Debtor's Second Amended Pre-Confirmation Chapter 13 Plan dated June 1, 2020, by First-class mail postage paid and/or electronically via the CM/ECF Electronic Messaging System on the persons listed below.

Date: June 1, 2020

/s/ Richard N. Gottlieb, Esq.

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PERSONS SERVED:

Carolyn Bankowski, Esq.
Chapter 13 Trustee
(Served via CM/ECF)

Alex Mattera, Esq.
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